

# KPS CONSULTING

“Building an Access Bridge in Technology and Telecommunications”

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March 1, 2007

By electronic filing:

Marlene Dortch

Secretary

Federal Communications Commission

445 12<sup>th</sup> Street, SW

Washington, DC 20554

Re: **Ex Parte Presentation**

CG Docket No. 03-123

Dear Ms. Dortch:

On February 28, 2007, representatives of VRS providers met with Cathy Seidel, Jay Keithley, Thomas Chandler and Bill Garay of the FCC's Consumer and Governmental Affairs Bureau to discuss emergency call handling for VRS calls. The following individuals attended the meeting: Michael Fingerhut, Mike Ligas, Paul Ludwick, and Tracy Goddard of Sprint Nextel Corporation; Dixie Ziegler, Anne Girard of Hamilton Relay with David O'Connor of Holland and Knight, counsel for Hamilton Relay; Karl Kosiorek of SNAP! VRS; Julie Miron of CACDHH-VRS; Mike Maddix of Sorenson with Ruth Milkman of Lawler, Metzger, Milkman and Keeney, LLC, counsel for Sorenson; Mark Stern of GoAmerica; Ed Routhier, Kelby Brick and Ronald Obray of Hands On Video Relay Service (HOVRS) with George Lyon of Lukas, Nace, Gutierrez & Sachs, counsel for HOVRS; Richard Ellis of Verizon; Susan Mazrui and Toni Acton of AT&T; Greg Staple, counsel for Nordia; Stanley Schoen, MD and Eliane Uscher of Lifelinks, and Sean Belanger and Al Sonnenstrahl of CSDVRS with Karen Peltz Strauss, counsel for CSDVRS.

Providers explained that they had held a provider roundtable discussion on the handling of emergency calls over IP-enabled relay services the day after the FCC's E911 Forum in November, and that issues were raised at that roundtable which needed FCC input and guidance. While most providers have been taking some initial steps to handle emergency calls, the

purpose of this meeting was to seek further direction from the FCC on certain issues in order to begin to come into compliance before the end of the year, when the waiver for these calls expires. Providers also requested that the FCC give providers sufficient notice if directives are issued to achieve the interim handling of emergency calls. The meeting specifically addressed the following issues:

Universal numbering. Providers agree that it would be desirable to have a uniform numbering system that provides VRS and IP relay users with telephone numbers that allows these individuals to contact one another and be contacted (regardless of the relay provider they use), to the same extent that PSTN and VoIP users are able to identify and call one another. This will facilitate call-backs in the event that emergency relay calls are disconnected. Indications to date are that this is technologically feasible for both VRS and IP text-based relay. Some providers offered to submit additional information to the FCC on the costs associated with achieving universal numbering, as well as the amount of time that would be needed to achieve its implementation.

Funding for research and development. Providers agree that the research and development costs associated with complying with emergency access requirements should be compensable from the fund. In a recent presentation to the FCC, NENA noted this as well. Without discussing cost specifics, providers identified at least five broad categories of R&D costs that would need to be compensable:

- Access to a reliable nationwide database of addresses associated with PSAPs
- Technical solutions development for routing of 911 calls
- Technical solutions development for automatic location identification, potentially including the development of call handling associated with native routing and a voluntary registration database.
- Development associated with prioritized access
- Interpreter training

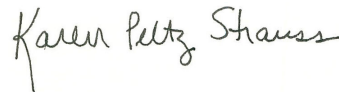
The Commission has already indicated that it will allow cost recovery for certain R&D costs, so long as providers identify the manner in which a waived standard might be met, and the associated costs that are projected. *In the matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, CG Dkt. 03-123, FCC 06-87 (July 12, 2006), ¶16. The appropriate vehicle for obtaining this cost information from the providers would be the annual waiver reports that are due each April.

Provider Liability. Providers emphasized the importance of receiving liability limitation protection in the provision of 911 service via VRS and IP Relay. Such protection is necessary because VRS/IP Relay providers are not only the end user's LEC – and LECs have tariffs limiting their liability in the provision of 911 calls – but the video interpreter (VI) and the communications assistant are an extension of the PSAPs, which also are able to limit their liability under state law. Indeed, providers pointed out that it is likely that the VI will be asked by the PSAP to report what he/she sees. Absent liability protection providers will have to be compensated for the increased risk of being sued for making a mistake. Providers suggested that such liability may be achievable under Section 225 because relay services are a functionally equivalent substitute for (or extension of) calls made by LECs.

PSAP responses to 10 digit numbers. Some providers that have begun processing 911 calls through VRS have had PSAPs in major cities refuse to answer calls that come in on 10-digit or “administrative lines.” The refusal to handle calls that come in on 10-digit lines is jeopardizing the progress that providers are making in handling 911 calls. The Commission should work with the appropriate agencies to ensure that each PSAP registers a 10-digit line that is staffed 24/7 for the purpose of receiving Internet-based relay calls from deaf and hard-of-hearing users.

This letter is being submitted for inclusion in the record of the above-referenced proceeding pursuant to the Commission's rules.

Sincerely,

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

Karen Peltz Strauss